CERTAIN FEATURES OF THE IMPLEMENTATION OF THE PRINCIPLES OF ADMINISTRATIVE LAW IN THE LAW-ENFORCEMENT ACTIVITY OF PUBLIC ADMINISTRATION

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DOI: https://doi.org/10.61345/1339-7915.2025.4.33

Annotation. The article examines the implementation of the principles of administrative law in the law-enforcement activity of public administration, with a focus on their practical significance in situations of legal uncertainty. It is substantiated that these principles function as normative and value-based guidelines that ensure uniform interpretation of administrative-law provisions, increase the predictability of administrative decisions, and prevent arbitrariness in law enforcement. It is demonstrated that, where legislative gaps and inconsistencies exist, the principles acquire an enhanced regulatory role, as they enable administrative bodies and courts to reasonably individualize legal rules by combining the formal certainty of law with its value foundations and by ensuring a rational balance between public and private interests. Particular attention is paid to conflict-of-law principles as an instrument for overcoming normative conflicts. On the basis of doctrinal positions and judicial practice, the article clarifies the approach under which a special rule prevails over a general one (lex specialis derogat generali), and outlines criteria for distinguishing special regulation as well as for combining substantive and temporal approaches in cases of conflict. It is emphasized that the principles also define the limits of discretionary powers by shaping standards for discretion and accountability of public administration. The article concludes that further specialized research is needed on the mechanisms for the practical implementation of principles in administrative procedures and in the control of the legality of administrative decisions.

Key words: administrative law; principles of administrative law; law-enforcement activity; public administration; legislative gaps; conflicts of norms; administrative acts.

1. Introduction.

Law enforcement is inextricably linked to the process of implementing law, because it is through law enforcement that abstract normative prescriptions are transformed into specific legally significant decisions or actions. If the implementation of law in general means the embodiment of legal rules in the conduct of participants in social relations, law enforcement reflects the activity of authorized actors aimed at individualizing those prescriptions in specific real-life situations. In this way, there is a transition from general models закріплені in legal norms to individualized decisions that acquire a binding character for specific addressees.

In the course of public administration, law-enforcement activity constitutes one of the principal forms of direct implementation of administrative-law norms. Unlike the generally binding impact of laws and other normative legal acts on public-law relations, law enforcement has a personalized character, as it is aimed at regulating or resolving specific administrative matters and ensuring the proper realization of rights and obligations with respect to identified subjects. Law enforcement manifests itself in the activities of public servants who determine a person's legal status or confer special administrative legal capacity upon particular individuals (for example, registration of legal entities, licensing of certain types of activity, etc.). Most clearly, law enforcement is realized in the resolution of конкретні administrative cases or legal disputes, when an authorized public authority issues an individual act by which rights are established or modified, or a person is vested with certain obligations.

The fundamental bases of law enforcement are the principles of administrative law, which serve as standards and guidelines for public administration. At the same time, the specific features of their implementation in the law-enforcement activity of public administration remain insufficiently studied.

2. Analysis of scientific publications.

The issues of the principles of administrative law and their characteristics have traditionally remained within the focus of Ukrainian administrative-law doctrine. A significant contribution to the development of the theoretical foundations for understanding the principles of administrative law has been made in the works of V.B. Averianov, R.S. Melnyk, V.V. Halunko, V.I. Kurylo, V.Yu. Oksin, N.I. Didyk and other scholars, who have explored their content, functional purpose, relationship with legal norms, and their importance for law-making and law enforcement. Despite the substantial scholarly output, it should be noted that there is still a lack of thorough research on the implementation of the principles of administrative law in the law-enforcement activity of public

3. The aim of the work.

The aim of the article is to examine certain features of the implementation of the principles of administrative law in the law-enforcement activity of public administration, focusing on clarifying their fundamental role as normative and value-based guidelines for law enforcement and on determining how these principles ensure the adoption of reasoned and lawful administrative decisions in the presence of legislative gaps and conflicts, promote uniform interpretation of administrative-law norms, and prevent arbitrariness in the activities of public administration entities.

4. Review and discussion.

Traditionally, legal scholarship defined law-enforcement activity as an exclusively state-authoritative function carried out by public authorities or their officials. However, contemporary transformational processes in the public-law sphere demonstrate a gradual departure from this view. One of the most significant trends of recent decades has been the implementation in Ukraine of reforms aimed at decentralization and deconcentration of public power, which, in turn, has substantially affected the sphere of law enforcement.

Law-enforcement activity of public administration is an authoritative and organizing activity, regulated by the norms of administrative law, carried out by authorized subjects of public and private law. It is exercised within a clearly defined procedural framework and is aimed at individualizing the prescriptions of legal norms through the adoption of administrative acts and the performance of other legally significant actions, in order to ensure the realization of rights and obligations of participants in public-law relations and to safeguard and protect public interests. This activity is based on legality, reasonableness, and fairness (the set of principles will be specified in the conclusions).

The first doctrinal position proceeds from the premise that the law-enforcement activity of public administration has a distinctly public-law character, since it is carried out within, and governed by, administrative-law norms. Accordingly, its principles are considered a component of the general system of principles of administrative law.

Another viewpoint emphasizes that the principles of law-enforcement activity have universal significance for the entire system of public power. From this perspective, they function as principles of state (public) activity in general, because they express fundamental guidelines for the exercise of authoritative functions by public administration that extend beyond administrative law. This argument is grounded in the idea that positive law, by its substantive potential, does not cover all aspects of the activity of public administration bodies—particularly issues of legal culture of public servants, moral and ethical foundations, evaluative categories, and administrative discretion.

With regard to this issue, in our view, the principles of law-enforcement activity of public administration should be considered primarily as an organic component of the principles of administrative law. First,

their administrative-law nature is обусловлена by the fact that it is administrative law that regulates the order, limits, and procedures of public administration activity. Therefore, the principles of law enforcement cannot exist outside the branch-specific foundation, since they are determined by the tasks and functions of administrative law as an independent branch. They guide law-enforcement activity, ensure a uniform understanding of the content of administrative norms, and promote their correct application in practice.

Second, it is precisely through administrative law that a concrete mechanism is formed for the influence of these principles on law-enforcement activity: the impact of the principles of administrative law manifests itself in the procedure for adopting administrative acts, in the procedure for considering administrative cases, and in the forms of control and appeal of decisions. In other words, administrative law is the environment in which the principles are not only formulated but also acquire real practical significance.

At the same time, it cannot be denied that the principles of law-enforcement activity have universal importance. They correlate the law-enforcement activity of public administration with the general guidelines of state activity, reflect fundamental requirements for the organization and functioning of the system of public authorities, and for the implementation of their tasks and functions. However, such universality does not negate their branch-specific nature; rather, it underscores that administrative law serves as the primary instrument for the concretization and implementation of these guidelines in public-law relations.

Accordingly, it appears well grounded to conclude that the principles of law-enforcement activity have a dual, yet hierarchically ordered, character: they possess general public significance, but find their real embodiment and practical guarantee specifically within law-enforcement activity regulated by administrative law.

One of the key functions of the principles of law-enforcement activity of public administration is to regulate organizational, procedural, and moral-ethical issues of applying administrative-law norms by officials of public authorities, as well as by judges in the course of administrative adjudication. The principles of law-enforcement activity of public administration serve as legal guidelines that, in one way or another, direct the conduct of subjects involved in the sphere of law enforcement [1, c. 26; 2 c. 69-70].

As Ya. O. Bernaziuk notes, where conflicts arise between legal norms of the same legal force, it is appropriate to apply an approach developed in legal theory and confirmed by law-enforcement practice, according to which a special rule takes precedence over a general one. This approach is based on the *lex specialis* principle, under which, in the event of a contradiction between a general and a special law, the special law should be applied. The essence of the principle *lex specialis derogat generali* lies in the fact that, for the purposes of resolving a specific dispute, a special law has priority over a general law, effectively limiting or excluding the operation of the general law in the relevant sphere. This ensures the precision and effectiveness of legal regulation, because a special rule takes into account the specific features of legal relations that are not covered by general regulation [3].

Applying the *lex specialis* principle, the European Court of Human Rights (ECtHR) in its case-law has concluded that Article 11 ("Freedom of assembly and association") of the Convention, interpreted in the light of Article 9 ("Freedom of thought, conscience and religion"), prevails over other provisions with regard to the regulation of peaceful assemblies; likewise, Article 6 ("Right to a fair trial"), in relation to Article 13 ("Right to an effective remedy"), has priority, since the requirements of Article 13 are absorbed by the more stringent requirements of Article 6 [3].

When applying the conflict-resolution approach in legislation based on the principle *lex specialis derogat generali*, judicial practice generally proceeds from the following assumptions: (1) a "special" law is characterized by a criterion of more detailed regulation of the relevant socio-administrative legal relations (i.e., the law is specifically aimed at regulating those relations); (2) where conflicts exist between special laws (rules), a temporal approach should be applied; (3) the special (substantive) criterion of resolving conflicts takes precedence over the criterion of the later-adopted act (the temporal criterion); (4) if acts of the same legal force are special and were adopted on the same day, priority is given to the act with the higher sequential registration number (i.e., adopted later within the same day); (5) if acts of the same legal force are special but have different or opposite dates of adoption and entry into force, priority is given to the act adopted later, but only for the period during which it is in force (effective) [3].

In this regard, it is impossible to ignore the significance of these principles in situations involving legislative gaps and conflicts, as well as in the exercise of discretionary powers by public authorities and administrative courts. Conflict-of-law principles are of considerable importance for the activities of public administration in applying the norms of administrative law. They ensure the correctness of actions and guide public authorities in situations where legislative provisions contradict one another or allow for different interpretations. Relying on these principles makes it possible to avoid arbitrariness in decision-making, to reconcile the formal certainty of legal rules with their value-based foundations, and to achieve a reasonable balance between public and private interests. Their application entails an obligation for public administration bodies to act within a value system centered on the individual, their rights, and freedoms.

5. Conclusions.

The principles of administrative law perform the function of guiding benchmarks for the activities of public administration bodies, determining not only the content but also the permissible limits of applying legal norms. First, principles ensure the unity of interpretation of administrative-law provisions, which prevents arbitrariness in decision-making and contributes to the development of consistent law-enforcement practice. Second, principles serve as a means of overcoming gaps and contradictions in legislation, since they allow administrative bodies to adopt decisions based on general values and human-rights standards even in the absence of a clear legal rule. Third, the principles of administrative law secure the primacy of human rights and freedoms in the functioning of public administration. This, in turn, imposes a duty on public authorities to carry out law-enforcement activity in a manner consistent with generally recognized human-rights standards and to prevent their violation. Fourth, principles operate as limits on the exercise of discretionary powers, making arbitrariness in law enforcement inadmissible. They establish normatively defined standards that must be taken into account when adopting any administrative act, regardless of the presence of evaluative concepts or imperfect legislative wording.

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